

REMARKS

This Amendment is filed in response to the Office Action dated July 27, 2007. In response to the Office Action, Applicant has amended Claims 1, 3, and 21 and added new Claims 23-25. Following these amendments, the application currently includes Claims 1, 3, 21, and 23-25 in examination with Claims 1 and 23 being independent. Applicant respectfully submits that the pending claims are patentable and respectfully requests reconsideration in light of the following remarks.

I. The Claims Are in Proper Form

On pages 2 and 3, the Office Action raises several objections and rejections regarding the form or text of the claims. Applicant has amended the claims as kindly suggested by the Examiner. Applicant respectfully submits that in light of these amendments, the claims are now in proper form.

II. The Claims Are Patentable

The Office Action rejects Claims 1 and 21 as anticipated by U.S. Patent No. 5,063,929 to Bartelt (the "Bartelt patent") and Claims 1, 3, and 21 as either anticipated or obvious in light of U.S. Patent No. 4,390,023 to Rise (the "Rise patent"). Applicant respectfully disagrees with these rejections.

Independent Claims 1 and 23 recite at least three connection probes adapted for connection to a subject and first and second switching devices that intermittently connect with the probes to connect one of the probes to a power supply and at least one of the other probes to a return path to create different electrical current paths through the subject during treatment such that a single connection probe can act as an active probe, a return path probe and remain disconnected at different times during treatment. This aspect of the claimed invention is nowhere taught or suggested by the cited references.

The Bartelt patent does not teach or suggest at least this aspect of the claimed invention. In fact, Bartelt actually teaches away from the claimed invention. Specifically, the Bartelt patent

discloses placement of probes on a subject that are connected via a switch to a power supply. But, the Bartelt patent states at col. 8, lines 64-67 specifically that when one channel (switch) is in operation that it is important that the other channel does not act as a return path. As such, in the Bartelt patent, there is no way for intermittent connection of one of the probes to a power supply and at least one of the other probes to a return path to create different electrical current paths through the subject during treatment such that a single connection probe can act as an active probe, a return path probe and remain disconnected at different times, as is recited in independent Claims 1 and 23.

The Rise patent also does not teach or suggest the claimed invention. The Rise patent, like the Bartelt patent merely discloses placement of various probes on a subject and connecting different probes to the power supply at different times. At best, the Rise patent only discloses intermittently activating each probe to treat a portion of the subject where the probe is located at a given time. It nowhere teaches or suggests that the probes can be intermittently connected by switching devices to a power supply to create different electrical current paths through the subject during treatment such that a single connection probe can act as an active probe, a return path probe and remain disconnected at different times, as is recited in independent Claims 1 and 23.

Both the Bartelt and Rise patents are conventional systems whereby different probes are activated at different times to perform treatment of the subject at the probe location. Nowhere do either of the references teach or suggest creation of different electrical current paths in a subject by causing the probes to act as one of an active probe, a return path probe and remain disconnected at different times during a treatment. As such, Applicant respectfully submits that independent Claims 1 and 23, as well as the claims that depend respectively therefrom, are patentable.

Conclusion

In view of the amended and newly added claims and the remarks presented above, it is respectfully submitted that all of the present claims of the application are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued.

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The Examiner is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 13-4365.

Respectfully submitted,



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